

On an appeal from a preliminary hearing order, the Board is limited to review of allegations that the Administrative Law Judge exceeded his/her jurisdiction. K.S.A. 1999 Supp. 44-551. This includes review of issues identified in K.S.A. 1999 Supp. 44-534a as jurisdictional issues. On the current appeal, there is no dispute that claimant's current need for temporary total disability compensation and medical treatment is the result of an injury that arose out of and in the course of her employment with respondent. The only questions are date or dates of accident, whether claimant suffered one accident or two, and, as a result, which insurance carrier is liable for benefits. Wausau contends the Administrative Law Judge erred when he found a single accident and a date of accident during its period of coverage. This contention does not raise one of the issues identified in K.S.A. 1999 Supp. 44-534a and does not otherwise constitute an allegation that the Administrative Law Judge exceeded his jurisdiction.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the appeal of the preliminary hearing Order entered by Administrative Law Judge Bryce D. Benedict on December 21, 1999, should be, and the same is hereby, dismissed.

IT IS SO ORDERED.

Dated this ____ day of March 2000.

BOARD MEMBER

c: Terry L. Pullman, Wichita, KS
Douglas C. Hobbs, Wichita, KS
Kendall R. Cunningham, Wichita, KS
Bryce D. Benedict, Administrative Law Judge
Philip S. Harness, Director